

MINUTES

Colorado State Board of Dental Examiners

OPEN - FULL SESSION

April 23, 2008 – 1:00 p.m.

1560 Broadway, Suite 1380, Denver, CO 80202

I. CALL TO ORDER

MEMBERS PRESENT: F. Robert Murphy, DDS, Board Chairperson; Laura Jacob, RDH, Vice Chairperson; Jeffrey Astroth, DDS; G. Garo Chalian, DDS; Catherine Hakala, DDS; Duane Takaki, DDS; Steven A. Tilliss, DDS, MS; Elizabeth Thompson, RDH; Joseph Albi and Eve Bluestein, MD, DDS

MEMBERS ABSENT: Melanie Names, JD; Joyce Reedy, RDH and Brian Davidson, MD

STAFF PRESENT: Maulid Miskell, Program Director; Claudia Brett-Goldin, First Assistant Attorney General; Leanne Clasen, Program Assistant; Jessica Lehew, Administrative Assistant and Abi Gaskins, Compliance Monitor

II. MINUTES AND AGENDA

A motion was made, seconded and carried to **accept as amended the April 23, 2008 Open Full Board Agenda.**

A motion was made, seconded and carried to **accept as amended the January 10, 2008 Open Full Board Minutes.**

III. SPECIAL COMMITTEES

RULES & REGULATIONS: Rule XXVI: Advertising – Memorandum with attachments dated March 28, 2008. After discussing the implications of the Colorado Consumer Protection Act in regards to this issue with Jan Zavislan, Deputy Director of the Consumer Protection Section, Office of the Attorney General; and other interested parties; a motion was made, seconded and carried to refer this matter to the Rules and Regulations Committee for additional consideration on June 4, 2008 at 11:30 a.m.

IV. REPORTS

UNIVERSITY OF COLORADO DENTAL SCHOOL

DR. DENISE KATZEBaum, DEAN – Informed the Board that a moratorium to will be put in place this summer at the University of Colorado Dental School on accepting new applications for dental hygiene students. They will use that time to reassess their financial situation.

HEALTHCARE SECTION DIRECTOR

DENTAL BILL – Ownership of a Dental or Dental Hygiene Practice. **Board noted.**

ELECTION

ELECTION HELD FOR BOARD VICE CHAIRPERSON – Elizabeth Thompson, RDH was **nominated and elected** to be the Vice Chairperson for the Colorado State Board of Dental Examiners.

PROFESSIONAL ASSOCIATIONS

AADE (American Association of Dental Examiners) – Advocacy Relations Manual Updates. Letter dated January 21, 2008, from Molly Nadler, Executive Director. **Board noted.**

AADE (American Association of Dental Examiners) – Presentation by Elizabeth Thompson, RDH on the AADE Mid-Year Meeting and NDEAF Meeting. Materials provided. **Board noted.**

AADE (American Association of Dental Examiners) - Nominations for the October 2008 AADE Meeting. A motion was made, seconded and carried to appoint Elizabeth Thompson, RDH; Maulid Miskell, Program Director, and Susan Machmer, Assistant Attorney General to attend the October AADE Meeting.

AADE – Citizen of the Year. Letter with attachments dated February 29, 2008, from Molly Nadler, Executive Director. A motion was made, seconded and carried to nominate Dr. Roger Boltz for the Citizen of the Year.

AADE – Nineteenth Edition – Composite. Memorandum dated February 28, 2008, from Molly Nadler, Executive Director. **Board provided updated information.**

ADEX – ADEX House of Representatives Meeting. Memorandum with attachments dated February 15, 2008. Elizabeth Thompson, RDH is to attend the next scheduled meeting; Jeffrey Astroth, DDS, cannot make it to the next meeting but he is planning to draft a letter of concern to ADEX for the Board to review at the next Full Board meeting.

ADA (American Dental Association) – Dental Behavioral Resources. Letter with attachments dated March 5, 2008, from Peter Milgrom, DDS & Philip Weinstein, PhD. **Board noted.**

AGD ADVOCACY – Quarterly News Letter. **Board noted.**

AMERICAN BOARD OF DENTAL EXAMINERS, INC. – By Laws of American Board of Dental Examiners. **Board noted.**

CODA (Commission on Dental Accreditation) – Unofficial Report of Major Actions. **Board noted.**

WREB – Scoring Methodology. Memorandum with attachments dated February 13, 2008. **Board noted.**

STEERING COMMITTEE – Verbal presentation by Laura Jacob, RDH updates on ADEX, CRDTS, and NERB Exams. **Board noted.**

CRDTS – CRDTS Annual Meeting August 21 – 23, 2008. If available, the following members will attend: **F. Robert Murphy, DDS, Board Chairperson; Laura Jacob, RDH; Jeffrey Astroth, DDS; Steven Tilliss, DDS, MS; Eve Bluestein, MD, DDS and Elizabeth Thompson, RDH, Board Vice-Chairperson.**

PROGRAM DIRECTOR

AADE and AADA Mid-Year Meetings – Memorandum and presentation by Maulid Miskell, Program Director. **Board noted.**

PEER ASSISTANCE

PAS BUDGET PROPOSAL – Presented by Maulid Miskell, Program Director, on the proposed budget for Peer Assistance Services for the 2008-2009 fiscal year. A motion was made, seconded and carried to **accept** the proposal, effective July 1, 2008.

PAS 2ND QUARTER REPORT – Memorandum with attachments dated April 3, 2008, from Abi Gaskins, Compliance Monitor. **Board noted.**

PAS SCHOLARSHIP FOR ADDICTION – Presented by Elizabeth Pace, CEO. **Board noted.**

**CLOSURE OF STIPULATIONS & UNCONTESTED LETTERS
OF ADMONITION** (from January 2008 through April 16, 2008)

Board noted.

1. Closed Stipulations

BANDROWSKY, Timothy, DDS, #8089 Case #3603-000175
Stipulation and Final Agency Order, closed February 13, 2008

CLARK, Morris, DDS, #105032 Case #3603-000232 and 2007-001654
Stipulation and Final Agency Order, closed March 20, 2008
Cease and Desist Order, closed April 8, 2008

THOMPSON, Scot, DDS, #7429 Case #3601-000052
Stipulation and Final Agency Order, closed March 20, 2008

WILK, Steven, DDS, #7280 Case #2004-003470
Stipulation and Final Agency Order, closed January 9, 2008

2. Uncontested Letters of Admonition

STILLWELL, Christine, RDH, #904849 Case #2008-002024
Letter of Admonition, effective February 4, 2008

HASTINGS, Rege, DDS, #532 Case #2007-000295
Letter of Admonition, effective January 2, 2008

MATKIN, Saloise, DDS, #6549 Case #2008-000011
Letter of Admonition, effective January 3, 2008

**SIGNED STIPULATION/FINAL AGENCY ORDERS; CEASE &
DESIST ORDERS** (from January 2008 to April 16, 2008)

Board noted.

1. Signed Stipulations and Final Agency Orders

BUTKEVICH, Ekaterina E., DDS, #8697 Case #2007-002425
Stipulation and Final Agency Order, effective January 28, 2008

CARPENTER, John A., Jr., DDS, #490 Case #2006-005009, 2008-001125,
2008-001231 and 2008-001324
Stipulation and Final Agency Order, effective January 9, 2008

COLT, Robert B., DDS, #8780 Case #2007-001259
Stipulated Letter of Admonition, effective January 28, 2008

DIETZ, Jacqueline, DMD, #9635 Case #2008-002025
Stipulation and Final Agency Order, effective March 13, 2008

DICK, Clyde, DDS, #3097 Case #2008-000036
Stipulation and Final Agency Order, effective April 4, 2008

FORD, James P., Jr., DDS, #786 Case #2006-002643
Stipulated Letter of Admonition, effective February 29, 2008

HAMILTON, Jeffery, DDS, #8314 Case #2007-002353 and 2007-001501
Stipulation and Final Agency Order, effective January 28, 2008

KELLOGG, Howard, DDS, #229 Case #2007-000272
Final Board Order revoking license, effective January 25, 2008

KOWALCHUK, Gregory, DDS, #237	Case #2007-002116 and 2007-002229
Stipulation and Final Agency Order, effective March 13, 2008	
LAMBERT, Ronald F., DDS, #9636	Case #2008-002443
Stipulation and Final Agency Order, effective March 13, 2008	
RINALDI, Sergius, DMD, #7663	Case #2005-003873
Stipulation and Final Agency Order, effective January 3, 2008	
SCHLAGEL, Gregory, DDS, #104342	Case #2008-001440
Stipulation and Final Agency Order, effective April 2, 2008	
SIMCIK, Dennis, DDS, #8621	Case #2007-001913
Stipulation and Final Agency Order, effective April 10, 2008	
THOUSAND, John W., DDS, #7280	Case #2004-003470
Stipulated Letter of Admonition, effective January 24, 2008	
TOMASSETTI, Gabriel, DDS, #104550	Case #2008-000714
Stipulation and Final Agency Order, effective March 13, 2008	
TOPOLNYCKY, Andrew, DDS, #8650	Case #2007-003585
Stipulation and Final Agency Order, effective April 4, 2008	
WELCH, Scott R, DDS, #6462	Case #2008-000882
Stipulation and Final Agency Order, effective April 4, 2008	

2. Cease And Desist Orders Issued

BREDBECK, Bruce, DDS, #5442	Case #2007-001608
Cease and Desist Order, effective March 7, 2008 and vacated March 25, 2008 because all terms met.	
HUGGINS, Hal Alan, DDS, #3057	Case #2007-002819, 2007-001393, 2007-000285
Cease and Desist Order, effective March 26, 2008	
MEHLMAN, Robert K., unlicensed	Case #2008-002795
Cease and Desist Order, effective March 24, 2008	
RODRIGUEZ, Leopoldo, DDS, #2481	Case#2007-000557
Cease and Desist Order, effective March 24, 2008	
RYGG, Paul Clifford, DDS, #7157	Case #2008-000772
Cease and Desist Order, effective March 24, 2008	
TIMLIN, Scott, DDS, #7863	Case #2007-001610
Cease and Desist Order, effective February 21, 2008 and vacated March 28, 2008 because all terms met.	

MISCELLANEOUS

SMOKING CESSATION – Presentation by Dr. F. Robert Murphy, Board Chairperson. A motion was made, seconded and carried to **refer to the Rules and Regulations Committee**.

PRESCRIBING CHANTIX – E-mail with attachments dated March 27, 2008, from Dr. Michael Troop. A motion was made, seconded and carried to **refer to the Rules and Regulations Committee**.

BOTOX – E-mail with attachments dated March 4, 2008, from John Kezer. A motion was made, seconded and carried to **refer to the Rules and Regulations Committee**.

PROFESSIONAL PROTECTOR PLAN (PPP) – Letter dated April 17, 2008, from Jennifer Snodgrass. A motion was made, seconded and carried to **refer to the Rules and Regulations Committee**.

IV Sedation – Memorandum from Kelly Kipgen, Case Manager for Carmel. A motion was made, seconded and carried to have Maulid Miskell, Program Director, write a letter addressing this issue.

DANGEROUS PARAFORMALDEHYDE PASTE/ SARGENTI PASTE – E-mail with attachments dated January 12, 2008, from Claudia Megaro. **Board noted.**

ORAQIX – E-mail dated March 31, 2008, from Amparo Tang. The Board provided the following responses to Ms. Tang's questions. **Yes, a dental hygienist can apply Oraquix, unsupervised and no they do not need certification.**

RMDC (Rocky Mountain Dental Convention) – 2009 Dental Convention dates. Letter dated February 4, 2008, from Dr. Ann Somers, CAC Co-chair and Dr. Michael Poulos, CAC Co-chair. **Board noted.**

2009 Meeting Dates – Schedule. **Board noted.**

Colorado Society of Oral and Maxillofacial Surgeons, Inc. – Letter dated March 21, 2008, from Dr. Stephen M. Marsh, Executive Director. **Board noted.**

CONSULTANT APPLICATION

A motion was made, seconded and carried to have Board staff **amend** the Consultant Application Form.

MARK ADAMS, DDS #9260 – Consultant Application with attachments. A motion was made, seconded and carried to notify Dr. Adams that he is **currently not eligible and to ask him to reapply in 3 years.**

BRIAN BUTLER, DDS #8705 - Consultant Application. A motion was made, seconded and carried to **table** this application until October 2008.

GEORGE BRUCE DOUGLAS, DDS #104245 - Consultant Application with attachments. A motion was made, seconded and carried to **accept** this application.

THOMAS HEBDA, DDS #105579 – Memorandum with attachments. A motion was made, seconded and carried to **accept** this application. A second motion was made, seconded and carried to recommend Dr. Hebda to CRDTS to become a Deputy Examiner.

DOUGLAS HELLER, DMD #6832 – Consultant Application with attachments. A motion was made, seconded and carried to **accept** this application.

JOSEPH PARSONS, DDS, #7302 - Consultant Application with attachments. A motion was made, seconded and carried to **accept** this application.

ERIC M. JAHDE, DDS – Consultant Application with attachments. A motion was made, seconded and carried to **accept** this application.

V. POLICIES

ADMINISTRATIVE POLICY – Reports of Investigation and Use of Consultants. A motion was made, seconded and carried to **ratify as further amended.**

VI. ASSISTANT ATTORNEY GENERAL

ETHICS PRESENTATION – Presentation of Board Ethics by Claudia Brett-Goldin, First Assistant Attorney General. **Board noted.**

VII. ADJOURNMENT: The April 23, 2008 Open Full Board meeting of the Colorado State Board of Dental Examiners adjourned at 4:43 p.m. The next meeting will be conducted on July 10, 2008.

Signed by F. Robert Murphy, DDS

F. Robert Murphy, DDS
Board Chairperson

September 10, 2008

Date

Subcommittee Assignments & Activities Log

- A-date = date assigned to committee
B-date = date completed by committee & sent to the full board for review
R-date = date returned to committee for additional considerations
C-date = date project completed
D-date = date deleted

Rules & Regulations, & Jurisprudence	Professional Standards
<u>Members</u> F. Robert Murphy, DDS, Chair Joseph Albi Elizabeth Thompson, RDH Brian Davidson, MD G. Garo Chalian, DDS Steven Tilliss, DDS, MS Duane Takaki, DDS Eve Bluestein, MD, DDS	<u>Members</u> Jeffrey Astroth, DDS, Chair Catherine Hakala, DDS Joyce Reedy, RDH Melanie Names, JD Laura Jacob, RDH
ISSUES	ISSUES
<ul style="list-style-type: none">• Anesthesia Rules – A- 6/03• Anesthesia – A - 4/23/08• Botox – A - 4/23/08• Smoking Cessation – A - 4/23/08• Advertising – A - 4/23/08	<ul style="list-style-type: none">• Peer Review Procedure Review• Suggested changes to the Risk Management courses being offered by The Trust – A-1/97• Use of Laser by DH – A-9/02• Standards of informed consent – A-2/03• Underage patients and consent form - A-4/03• Dismissal Letter, Complaint Acknowledgement Letter, Information Letter, Complaint Form, and Consumer Guide – A-6/03• HIPAA and Amending Patient Records• Functions delegated according to the Colorado Dental Practice Act• Practice Monitor Form – A – 4/23/08

Finished issues - Rules & Regulations, & Jurisprudence:

- Practice Monitor Immunity from Civil Action – **C-4/97**
- 5 years clinical experience in the US for credentials applicants – **C-4/97**
- Qualification of DH/Auxiliaries to administer N20 upon graduation - **C-4/97**
- Delete requirements for patient address from Rule VI – A-1/97, **C-2/97**
- Reqmt. of the 5 yrs of clinical experience for credentials applicant to be in the US or one of its territories – A-1/97, **C-4/97**
- Immunity from civil action for practice monitors – A-1/97, **C-4/97**
- Qualification of DH/Auxiliary upon graduation from a school, which provides an approved course – A-1/97, **C-4/97**
- Jurisprudence test review – A-1/97, **C-7/97**
- Review of Rules XIV and XVII – A-8/97, **C-9/97**
- Patient records release when there are multiple office locations – A-3/98, **C-11/98**
- Proposed rule on patient records retention – A-8/97, C-9/97, R-6/98, **C-11/98**
- Rules regarding the duties and abilities of denturists – A-10/97, **C-11/98**
- Denturists, advertisements and direct sales to the public – A-1/97, (transferred committees) 11/97, **C-11/98**
- Review of policies – A-1/99, **C-2/00**
- Anesthesia Rules –A-1/99, **C-6/00**
- Statutory requirements for graduation – A-8/99, **C-12/00**
- Peer Assistance Funding – A-6/99, **C-6/01**
- Protocol to follow after Summary Suspension – A-6/99, **C-9/02**
- Scaling and root planning policy – A-9/01, **C-9/01**
- Review of Rules VI and XV – A-6/01, **C-9/02**

Finished issues – Professional Standards:

- Utilization review/IME’s – A-1/97, **C-6/97**
- Board policies – A-1/97, B-4/97, **C-6/97**
- Standards for first time dental patients – A-1/97, **C-4/97**
- Infection control consultant training – A-1/97, **C-3/97**
- Procedures for continuing education confirmation – A-1/97, B-12/97, R-12/97, **C-11/98**

- Conflict of interest policy-in concert with CDA/CDHA, etc. – A-1/97, **C-4/97**
- Policy on patient abandonment – A-1/97, **C-8/02**
- Computer software and electronic dental records standards – A-1/97, **C-8/02**

Deleted Items:

- Pain management clinic – determine the ownership relationship between the many professionals listed to include Dr. Ellingson, DDS, - A-1/97, **D-1/99**
- Court of Appeals case, Hannigan vs. CO. Real Estate Commission – A-1/97, **D-1/99**
- Licensing requirement – practice location – A-6/99, **D-9/99**
- Dentist's ability to make money while license is suspended – A-1/97, **D-9/99**
- DH & dental assistant delegatable functions – matrix handout – A-1/97, B-1/99, R-3/99, **D-9/99**
- Clindamycin – **D-9/02**
- Peer Review resolutions, reporting of settlements – A-1/99, **D-9/02**